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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,198	05/04/2006	Michael Glover	2006_0677A	6753
513 7590 08/20/2010 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER CHAPMAN, JEANETTE E				
ART UNIT 3633		PAPER NUMBER		
NOTIFICATION DATE 08/20/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
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Office Action Summary

Application No.

10/578,198

Applicant(s)

GLOVER ET AL.

Examiner

Jeanette E. Chapman

Art Unit

3633

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11, 13, 14, 16, 18, 29, 32, 37, 38 and 92-95 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-840)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-3,5,6,8-11,13,14,16,18,20,32,37-43,45,47,52,54-56,65,71,72,74-78,80,81,84,85,87,88,90 and 92-95.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 39-43,45,47,52,54-56,65,71,74-78,80,81,84,85,87,88 and 90.

THIS ACTION IS NECESSARY TO CORRECT REFERENCE ERRORS: REFERENCE X IS NOT PROPERLY IDENTIFIED AS FIELD ET AL (2004/0108040) AND THE SHIEVER REFERENCE IS NOW PROPERLY SPELLED SHELVER.

Applicant elected group I, claims 1-3, 5-6, 8, 11,13, 14,16,18,29,32,37-38 and 92-95. the remaining claims, 39-43, 45, 47, 52, 54-56, 65, 72-72, 74-78, 80-81, 84-85, 87-88, 90 have been with drawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 92-94 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 92-94 recite “ at least one of said side walls of each said flame member having an elongate recess formed therein extending along the channel and positioned below the top of a respective sidewall... wherein the upper edge of said recess is substantially perpendicular or angled downwardly from the recess towards said channel with respect to a line directed from the base to the top of said channel...wherein said channel includes a base having oppositely sloped upper surfaces transverse to said channel.

The subject matter of claims 92-94 is not found in the written description neither are there reference numbers in the drawings indicating the elements

Claims 1-3, 11, 18, 29, 37 and 95 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shelver (4295305) in view of Biro (4689933) and Field et al (20040108040)

Claim 1.

Shelver discloses a framed panel unit comprising a panel;
a plurality of frame member 10-13/20 but not constructed of thermoplastic material as taught by Biro; the frame members of Shelver are disposed along the edge of said panel;
each frame member having first and second opposed side walls, 21 and 22, defining a channel, figure 2, there between, the edge of said panel 38/39 being received within the channel of each frame member 20;

the channel of each frame member 20 having spacer means 74 or 174 therein including a first spacer between said panel and said first side wall for spacing said panel from said first side wall and a second spacer 74 or 174 between said panel and said second side wall for spacing said panel from said second side wall see figure 11, and where prior to welding together the ends of said frame members as shown by Field et al, said spacer means 74/174 positions said panel within said channel and further retains said frame members 20 on said panel 71/72

It would have been obvious to one of ordinary skill in the art to form the frame members of thermoplastic material as taught by Biro and to weld the parts together as shown by Field et al in order to use a tough, inexpensive, rust resistant material which is easily assembled as taught by Biro and Field et al

claim 2.

Shelver discloses a framed panel unit as claimed in claim 1, wherein at least one of said first and second spacers 74 includes a protrusion 74b extending therefrom but not engaging a respective

side of said panel for resiliently retaining said frame member on said panel as shown by Okawa et al , element 29. It would have been obvious to one of ordinary skill in the art to include the protrusions for engaging the frame and the panel in order to provide a cohesive unit involving all elements.

claim 3.

Shelver discloses a framed panel unit as claimed in claim 1, wherein said channel of each frame member includes a base 23 between the first and second opposed sidewalls 21 and 22, wherein each spacer means further comprises a third spacer 74a arranged between the edge of said panel and the base of said channel and wherein said first and second spacers are coupled to said third spacer. See figure 12.

claim 11.

Shelver discloses a framed panel unit as claimed in claim 1, wherein said panel is comprising at least part of sheet glass 71/72.

claim 18.

The definition of integral according to Webster is “ of or pertaining to a constituent part thereof and hence Shelver discloses a framed panel unit as claimed in claim 1, wherein at least one of said first and second spacers is integrally formed with a respective channel wall. See figures 7-9. claim 29.

Shelver discloses a framed panel unit as claimed in claim 1, wherein each said frame member further includes a series of pre-formed inserts 74/174 between one of said first and second opposed side walls and an outer face of said panel 71/72 for spacing said outer face of said panel

71/72 from said side wall to define a gap therebetween for sealant material as shown by

Blaszowski

Claim 37.

Shelver discloses a framed panel unit as claimed in claim 18, wherein each of said at least one of said first and second spacers includes one or more protrusions integrally formed with and extending from the other side wall, and wherein said integrally formed protrusions comprise flexible plastic fins.

claim 95.

Shelver discloses a framed panel unit as claimed in claim 1, wherein said spacer means 74/174 centers said panel within said channel.

Claims 13-14, 16, 32 and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shelver (4295305) in view of biro(4689933) and Field et al (2004/0108040) and further in view of Blaszkowski (2934801)

claim 13.

Shelver lacks a framed panel unit as claimed in claim 1, wherein at least one of said first and second spacers is positioned below the top of a respective channel wall to provide an open gap at the top of said side wall for receiving sealant; figure 3 of Blaszkowski discloses said first and second spacers 12'' is positioned below the top of a respective channel wall to provide an open gap at the top of said side wall for receiving sealant 24'. See figure 3. It would have been obvious to include the above structure to keep moisture out as shown by Blaszkowski.

claim 14.

The choice of sealant material has been considered one of choice dependent on the precise function over and above sealing to be done. Shelver lacks a framed panel unit as claimed in claim 13, wherein said sealant material comprises a reactive thermoplastic sealant material. Biro discloses a sealant material of a reactive thermoplastic sealant material. It would be obvious to employ the above sealant material that functions as a sealant in any environment.

claim 16.

Biro discloses a framed panel unit as claimed in claim 13, wherein said sealant is one of polyurethane based and silicone based.

claim 32.

Biro discloses a framed panel unit as claimed in claim 29, wherein said inserts 180 comprise a resilient rubber material and Blaszkowski discloses said framed panel unit 18 includes friction reducing means 17/17' between said inserts 12' and said channel to facilitate relative movement between said inserts and each said frame member. It would have been obvious to include the friction reducing means disposed as claimed above to prevent unwanted movement of parts of the framed panel unit. It would have further been obvious to include the rubber material for the sealing material to employ a well known and efficient sealing material

claim 38.

Blaszkowski discloses a framed panel unit as claimed in claim 37, wherein said integrally formed protrusions further comprise a flexible bulb seal 24/24' located at the top of one of said side walls. It would have been obvious to include the seal of Blaszkowski positioned as claimed in order to keep moisture out of the framed panel unit.

Claims 5-6, 8 (is/are) objected to as depending upon a rejected base claim but would be considered allowable if amended to include the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on monday-friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GLESSNER BRIAN can be reached on 571-272-6754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633
